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**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF UTAH**

**LAURA A. GADDY**, individually and on  
behalf of all others similarly situated,

*Plaintiffs,*

v.

**[The] CORPORATION OF THE  
PRESIDENT OF THE CHURCH OF  
JESUS CHRIST OF LATTER-DAY  
SAINTS**, a Utah corporation sole.

*Defendant*

**ATTORNEY PLANNING  
MEETING REPORT**

(DEMAND FOR JURY TRIAL)

Case: **2:19-cv-00554-RJS**

The Honorable: Robert J. Shelby

Magistrate Judge: Evelyn J. Furse.

**1. PRELIMINARY MATTERS:**

- a. Describe the nature of the claims and affirmative defenses: *Plaintiff has filed a complaint for Fraud, Fraudulent Inducement to Implied Oral Contract, Breach of Fiduciary Duty, Fraudulent Concealment, RICO —18 U.S.C. § 1962(c), and Intentional (here, reckless) Infliction of Emotional Distress. Defendant has moved to dismiss per Fed. Rule Civ. Proc. 12 (b)(1) or alternatively 12(b)(6), based primarily on the religious liberty guarantees of the First Amendment. Defendant will request interlocutory appeal should its Motion to Dismiss be denied.*
- b. *This case was assigned to Magistrate Judge Evelyn J. Furse. One or more parties requested reassignment. The case was then assigned to Chief Judge Robert J. Shelby.*

c. Pursuant to Fed. R. Civ. P. 26(f), a telephonic meeting was held on August 22, 2019, Salt Lake City. Another telephonic meeting was held on September 12, 2019. The following attended: Kay Burningham, counsel for Laura Gaddy, et. al. David Jordan and Wesley Harward for The Corporation of the President of the Church of Jesus Christ of Latter-day Saints.

d. The parties request that the deadline for initial disclosures required by Rule 26(a)(1) be continued from 10/22/2019 to 14 days after the Court's ruling on Defendant's Motion to Dismiss, unless the Court orders a stay of discovery pending appeal.

e. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) email transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. **DISCOVERY PLAN:** The parties agree that another Attorney Planning Meeting should be held within 5 days of the Court's ruling on Defendant's Motion to Dismiss (assuming no stay pending appeal) with the Second Attorney Planning Meeting Report (or motion) to be filed within 10 days of ruling on the Motion to Dismiss. However, the parties disagree as to the following discovery matters:

*Plaintiff recommends the following:*

a. Discovery is necessary on the following: 1. Class, 2. Merits, 3. Damages.

b. Discovery should be accomplished in phases: 1. Class, 2. Merits, 3. Damages.

*(Plaintiff intends to propound written Class Discovery forthwith.)*

c. Discovery methods to be used and limitations to be imposed: *To be Determined ("TBD").*

*Defendant recommends the following:*

a.

*b.*

*c.*

3. **AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES:** *TBD*
4. **EXPERT REPORTS:** *Dates to be determined at subsequent attorney planning meeting.*
5. **OTHER DEADLINES:** *Dates to be determined at subsequent attorney planning meeting.*
6. **ADR/SETTLEMENT:** *Potential for resolution before trial is poor. ADR participation, if any, is unknown at this time.*
7. **TRIAL AND PREPARATION FOR TRIAL:** *TBD*

\_\_\_\_\_  
Kay Burningham

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
David J. Jordan (Signed by filing attorney with permission of defense counsel. /s/Kay Burningham).

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_